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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,457	07/09/2003	Veniamin A. Foigel	011403-9001-00	2276
23409	7590	06/28/2005	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202			LUGO, CARLOS	
		ART UNIT	PAPER NUMBER	
				3676

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/614,457	FOIGEL ET AL.
	Examiner Carlos Lugo	Art Unit 3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 April 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,5,7-13,15-31,33-38 and 41-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-3,5,7-13 and 15-18 is/are allowed.
- 6) Claim(s) 19-31,33-38 and 41-52 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 April 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                         |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.   |

## DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on April 12, 2005.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 31,33, and 41-52 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,352,003 to Bystry.

Regarding claim 31, Bystry discloses a cable lock comprising a first housing (13), a second housing (33) and a cable (17) insertable into the housing in a first direction. The cable has a locked state within the housing in which the cable is movable with respect to the housing in the first direction but is restrained against movement with respect to the housing in a second direction substantially opposite to the first direction. The cable is rotatable relative to the housing when is in the locked state.

Bystry further discloses that the lock further comprises a grip (38) at least partially located within the housing. The grip is movable to permit the cable to move in the first direction and is engageable with the cable to restrain the cable from moving in the second direction.

As to claim 33, Bystry discloses that the grip is selected from the group consisting of a ball, a pin and a plate.

As to claim 41, Bystry discloses that the grip is spring-loaded (by the spring 42).

As to claim 42, Bystry illustrates that the first housing is crimped at an end (Figures 3-5).

As to claim 43, Bystry discloses that the first housing has an open end. The lock further comprises an end cap (46) positional within the open end of the housing. The housing extends around an edge of the end cap to secure the end cap in the open end of the housing (Figures 3-5).

As to claim 44, Bystry illustrates that the end cap has a peripheral edge enclosed by the first housing.

As to claim 45, Bystry discloses a method of locking a cable lock comprising the steps of inserting a cable into a housing in a first direction, feeding the cable into the first housing to a locked state, and rotating the cable with respect to the housing in the locked position of the cable.

As to claim 46, Bystry further comprises the step of moving a grip within the first housing permitting the cable to move in the first direction and engaging with the cable to restrain the cable from moving in the second direction.

As to claim 47, Bystry discloses that the grip is selected from the group consisting of a ball, a pin and a plate.

As to claim 48, Bystry discloses that the cable is insertable into a second housing.

As to claim 49, Bystry discloses that the second housing is moveable axially with respect to the first housing.

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As to claim 50, Bystry discloses that the second housing is rotatable with respect to the first housing.

As to claim 51, Bystry discloses the step of biasing the grip into engagement with the cable.

As to claim 52, Bystry disclose the step of biasing the second housing in a direction opposite to the direction of insertion of the cable.

**4. Claims 31,33, and 41-52 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 3,994,521 to Van Gompel.**

Regarding claim 31, Van Gompel discloses a cable lock comprising a first housing (26), a second housing (37) and a cable (27) insertable within the housings in a first direction. The cable has a locked state within the housing in which the cable is movable with respect to the housing in the first direction but is restrained against movement with respect to the housing in a second direction substantially opposite to the first direction. The cable is rotatable relative to the housing when is in the locked state.

Van Gompel further discloses that the lock further comprises a grip (38 and 39) at least partially located within the second housing. The grip is movable to permit the cable to move in the first direction and is engageable with the cable to restrain the cable from moving in the second direction.

As to claim 33, Van Gompel discloses that the grip is selected from the group consisting of a ball, a pin and a plate.

As to claim 41, Van Gompel discloses that the grip is spring-loaded (by the spring 41).

As to claim 42, Van Gompel illustrates that the housing is crimped at an end (Figures 3 and 4).

As to claim 43, Van Gompel discloses that the housing has an open end. The lock further comprises an end cap (44) positionable within the open end of the housing. The housing extends around an edge of the end cap to secure the end cap in the open end of the housing (Figures 3 and 4).

As to claim 44, Van Gompel illustrates that the end cap has a peripheral edge enclosed by the housing.

As to claim 45, Van Gompel discloses a method of locking a cable lock comprising the steps of inserting a cable into a housing in a first direction, feeding the cable into the first housing to a locked state, and rotating the cable with respect to the housing in the locked position of the cable.

As to claim 46, Van Gompel further comprises the step of moving a grip within the first housing permitting the cable to move in the first direction and engaging with the cable to restrain the cable from moving in the second direction.

As to claim 47, Van Gompel discloses that the grip is selected from the group consisting of a ball, a pin and a plate.

As to claim 48, Van Gompel discloses that the cable is insertable into the second housing and rotatable with respect to the second housing.

As to claim 49, Van Gompel discloses that the second housing (37) is moveable axially with respect to the first housing.

As to claim 50, Van Gompel discloses that the second housing (37) is rotatable with respect to the first housing.

As to claim 51, Van Gompel discloses the step of biasing the grip into engagement with the cable.

As to claim 52, Van Gompel disclose the step of biasing the second housing in a direction opposite to the direction of insertion of the cable.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 19-21 and 23-30 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,352,003 to Bystry in view of US Pat No 1,030,457 to Brooks.

Regarding claims 19 and 25, Bystry discloses a cable lock comprising a body (11) having a first portion (13) defining an internal cavity and a second portion (12) having an aperture therethrough and a visible indicator (the complete body 12) deformable under force applied to the second portion.

Also, the lock further comprises a cable (17) retained within the aperture in the second portion of the body and an end insertable into the internal cavity of the housing to lock the cable lock.

However, Bystry fails to disclose that the visible indicator is at least one of a raised or recess position with respect to the exterior surface of the body.

Brooks teaches that it is well known in the art to have a visible indicator (letters at 5) that is at least one of a raised or recess position with respect to the exterior surface of the body (5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cable lock described by Bystry with a visible indicator that is at least one of a raised or recess position with respect to the exterior surface of the body, as taught by Brooks, because first, it is considered as a design consideration within the art since it does not affect the lock, or second, in order to heighten the indicator.

As to claims 20,21 and 27, Bystry illustrates that the second portion (12) of the body defines a crimped portion (21) of the body.

As to claims 23,28 and 29, Bystry discloses that the body is an integral one-piece element.

As to claims 24 and 30, Bystry discloses that the cable is movable through a first direction but not in a direction opposite to the first direction.

7. **Claims 19-30 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 3,994,521 to Van Gompel in view of US Pat No 1,030,457 to Brooks.

Regarding claims 19 and 25, Van Gompel discloses a cable lock comprising a body having a first portion (26) defining an internal cavity and a second portion (24) having an aperture therethrough and a visible indicator (the complete body 24 and 51) deformable under force applied to the second portion.

Also, the lock further comprises a cable (27) retained within the aperture in the second portion of the body and an end insertable into the internal cavity of the housing to lock the cable lock.

However, Van Gompel fails to disclose that the visible indicator is at least one of a raised or recess position with respect to the exterior surface of the body.

Brooks teaches that it is well known in the art to have a visible indicator (letters at 5) that is at least one of a raised or recess position with respect to the exterior surface of the body (5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cable lock described by Van Gompel with a visible indicator that is at least one of a raised or recess position with respect to the exterior surface of the body, as taught by Brooks, because first, it is considered as a design consideration within the art since it does not affect the lock, or second, in order to heighten the indicator.

As to claims 20,21 and 27, Van Gompel illustrates that the second portion (24) of the body defines a crimped portion of the body.

As to claims 22,26 and 28, Van Gompel discloses that the first and second portions (24 and 26) of the body are separate pieces connectable together.

As to claims 23,28 and 29, Van Gompel discloses that the body is an integral one-piece element (when the portions are engaged, Figure 6).

As to claims 24 and 30, Van Gompel discloses that the cable is movable through a first direction but not in a direction opposite to the first direction.

**8. Claims 34-38 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,352,003 to Bystry as applied to claim 31 above, and further in view of US Pat No 6,540,273 to Brammall et al (Brammall).

As to claims 34-36, Bystry fails to disclose a third housing positioned within the first and second housings.

Brammall teaches that it is well known in the art to have first, second and third housings (12,40 and 44 respectively), wherein the third housing is within the first and second housings. The third housing is capable to move axially with respect to the second housing and to rotate with the second housing in the unlocked state of the cable.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cable lock of Bystry with a third housing, as taught by Brammall, in order to increase the grip force in order to lock the cable.

As to claim 37, Bystry discloses that the grip is selected from the group consisting of a ball, a pin and a plate.

As to claim 38, Bystry discloses that the cable is insertable into a second housing.

9. **Claims 34-38 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 3,994,521 to Van Gompel as applied to claim 31 above, and further in view of US Pat No 6,540,273 to Brammall et al (Brammall).

As to claims 34-36, Van Gompel fails to disclose a third housing positioned within the first and second housings.

Brammall teaches that it is well known in the art to have first, second and third housings (12,40 and 44 respectively), wherein the third housing is within the first and second housings. The third housing is capable to move axially with respect to the second housing and to rotate with the second housing in the unlocked state of the cable.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cable lock of Van Gompel with a third housing, as taught by Brammall, in order to increase the grip force in order to lock the cable.

As to claim 37, Van Gompel discloses that the grip is selected from the group consisting of a ball, a pin and a plate.

As to claim 38, Van Gompel discloses that the cable is insertable into a second housing.

#### ***Allowable Subject Matter***

10. **Claims 1-3,5,7-13 and 15-18 are allowed.**

#### **Reasons For Allowance**

11. The following is an examiner's statement of reasons for allowance:

Claims 1,5,7,9, and 11 are allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the wall positioned to block access into the cavity of the housing is rotatable with respect to the housing when the cable is inserted through the aperture (claim 1 and 11); that the aperture has a twisted shape (claim 5); and that the aperture has a scalloped edge (claim 7); that the aperture defines spiral grooves in the aperture edge (claim 9).

As to claims 1 and 11, Kueznel '830, Bystry and Van Gompel fails to disclose that the wall positioned to block access into the cavity of the housing is rotatable with respect to the housing when the cable is inserted through the aperture.

As to claims 5,7, and 9, Kueznel '830 discloses that the aperture (58) has a shape and a radius varying at different circumferential positions of the aperture complementary to the shape of the cable (Figure 5). However, the shape of the aperture is not twisted or in the form of scallop; is straight. Also, neither Van Gompel nor Bystry disclose that the shape of the aperture is twisted.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

12. Applicant's arguments with respect to claims 19-31,33-38, and 41-52 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

13. Applicant's amendment, that the visible indicator is at least one of a raised or recess position with respect to the exterior surface of the body, as claimed in claims 19 and 25, necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo  
AU 3676

June 22, 2005

  
**BRIAN E. GLESSNER**  
**PRIMARY EXAMINER**